

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
DOCKETING STATEMENT--CRIMINAL CASES**

**Directions:** Counsel must make a **docketing statement (criminal)** entry in CM/ECF within 14 days of filing a notice of appeal or cross appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form and any extended answers and (2) any transcript order form. Counsel who filed the notice of appeal is responsible for filing the docketing statement even if different counsel will handle the appeal. In criminal cases, counsel who represented the defendant below must continue on appeal unless the court of appeals grants a motion to withdraw. Appellants proceeding pro se are not required to file a docketing statement. Opposing counsel may file objections to the docketing statement within 10 days of service using the ECF event-**docketing statement objection/correction**.

<b>Appeal No. &amp; Caption</b>	23-4650, United States of America v. Samuel Sullivan Jr.
<b>Originating No. &amp; Caption</b>	8:21-cr-00460-TDC-1, United States of America v. Samuel Sullivan Jr.
<b>District Court &amp; Judge</b>	D-Md., Hon. Theodore D. Chuang

<b>Jurisdiction</b> (answer any that apply)		
Date of entry of order/judgment appealed from	9/22/23	
Date this notice of appeal filed	10/3/23 (info & belief - sealed)	
If cross appeal, date first notice of appeal filed		
Date of filing any post-judgment motion		
Date order entered disposing of any post-judgment motion		
Date of filing any motion to extend appeal period		
Time for filing appeal extended to		
Is appeal from final order or judgment?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If appeal is not from final judgment, why is order appealable?		

**Transcript – Order all necessary transcript now. Extensions of the briefing schedule to order additional transcript are disfavored**

(Identify necessary transcript dates and state whether the transcript is on file or a copy of the transcript order is attached. ).

Trial Date(s):		<input type="radio"/> On Order or On File	<input type="radio"/> Order Attached	<input type="radio"/> Not Needed
Plea Date:	3/20/23	<input checked="" type="radio"/> On Order or On File	<input type="radio"/> Order Attached	<input type="radio"/> Not Needed
Sentence Date:	9/20/23	<input checked="" type="radio"/> On Order or On File	<input type="radio"/> Order Attached	<input type="radio"/> Not Needed
Other Date(s):		<input type="radio"/> On Order or On File	<input type="radio"/> Order Attached	<input type="radio"/> Not Needed

**Case Handling Requirements** (answer any that apply)

Case number of any prior appeal in same case		
Case number of any pending appeal in same case		
Identification of any case pending in this Court or Supreme Court raising similar issue	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
If yes, motion to expedite must be filed.		

**Issues** (Non-binding statement of issues to raise on appeal. Attach additional page if necessary.)

Subject to completing additional research and conference with client, which has yet to take place, the undersigned currently anticipates the following issues may potentially be appealable:

1. Sentencing

Appellant's Name & Address	Counsel's Name & Address
Name: Samuel Sullivan Jr. Address: Howard County Dept. of Corrections 7301 Waterloo Road Jessup, MD 20794  #105578  E-Mail:  Phone:	Name: Michael F. Smith Address: The Smith Appellate Law Firm 7566 Main Street Suite 307 Sykesville, MD 21784  E-Mail: smith@smithpllc.com  Phone: (202) 454-2860

<b>Signature:</b> <u>/s/ Michael F. Smith</u>	<b>Date:</b> <u>Nov. 6, 2023</u>
<b>Counsel for:</b> <u>Defendant-Appellant Samuel Sullivan Jr.</u>	

<b>Certificate of Service</b> <i>(required for parties served outside CM/ECF)</i> : I certify that this document was served on _____ by <input type="checkbox"/> personal delivery; <input type="checkbox"/> mail; <input type="checkbox"/> third-party commercial carrier; or <input type="checkbox"/> email (with written consent) on the following persons at the addresses or email addresses shown:	
Signature:	Date:

Case Style United States of America v. Samuel Sullivan Jr.  
Dist. Ct. No. 8:21-cr-00460-TDC-1 District \_\_\_\_\_  
Date Notice of Appeal filed 10/03/23 Court of Appeals No. 23-4650  
Name of Court Reporter/Electronic Rec. (use separate form for each reporter) Kathy Cortopassi  
Address of Reporter 6500 Cherrywood Lane, Greenbelt MD 20770

Appellant must order any necessary transcript within 14 days of noting the appeal by completing a separate transcript order form for each reporter and a single order form for all electronic recordings requested, submitting the orders to the court reporters and the district court, and attaching copies to the docketing statement filed in the court of appeals. The transcript order form should not include requests for transcripts that are on file or are on order. The completed order form must show that necessary financial arrangements have been made. In CJA cases, counsel must certify that AUTH-24 requests have been submitted through the **district court's eVoucher system** for approval by the district judge. Once the transcript has been prepared, counsel also submits the CJA-24 voucher for payment in the district eVoucher system. For assistance, see District eVoucher Contacts for Transcript Authorization and Payment.

In sentencing appeals, a transcript of the sentencing hearing must be ordered. In Anders appeals, plea (or trial) and sentencing transcript must be ordered, along with any necessary hearing transcripts (e.g., suppression hearings). In multi-defendant cases involving CJA defendants, only one original trial transcript should be purchased from the court reporter on behalf of CJA defendants, and copies should thereafter be made at commercially competitive rates not to exceed \$.15 per page. Co-defendants may obtain paper or electronic copies of prepared transcript from the court reporter, co-counsel, or the district court.

If appellee finds other parts of the proceedings necessary, appellee must designate the additional parts within 14 days after service of the transcript order. If appellant has not ordered the additional parts within 14 days, appellee may, within the following 14 days, order the additional parts or move in the district court for an order requiring appellant to do so.

Counsel must review transcript and notify the district court of any intention to direct redaction of personal data identifiers within 7 days of filing of the transcript, and thereafter submit a statement of redactions to the court reporter within 21 days of filing of the transcript, as required by the Judicial Conference Policy on Privacy and Public Access to Electronic Case Files. Counsel should obtain full-size transcript from the court reporter, since condensed transcript may not be used in the appendix. Counsel should verify that the witness name and type of examination appear in the top margin of each page of testimony, as required for inclusion in the appendix on appeal. Local Rule 30(b).

A. This constitutes an order of the transcript of the following proceedings. Check appropriate box(es), provide date of hearing, and indicate total number of estimated pages. Specific CJA authorization is required for opening and closing statements, voir dire, and instructions.

PROCEEDING	HEARING DATE(S)
<input type="checkbox"/> Voir Dire	_____
<input type="checkbox"/> Opening Statement (Plaintiff)	_____
<input type="checkbox"/> Opening Statement (Defendant)	_____
<input type="checkbox"/> Closing Argument (Plaintiff)	_____
<input type="checkbox"/> Closing Argument (Defendant)	_____
<input type="checkbox"/> Opinion of Court	_____
<input type="checkbox"/> Jury Instructions	_____
<input checked="" type="checkbox"/> Sentencing	<u>September 20, 2023</u>
<input type="checkbox"/> Bail Hearing	_____
<input type="checkbox"/> Pre-Trial Proceedings (specify)	_____
<input type="checkbox"/> Testimony (specify)	_____
<input type="checkbox"/> Other (specify)	_____

TOTAL ESTIMATED PAGES \_\_\_\_\_

B. ☐ Expedited transcript completion requested within ☐ 14 days ☐ 7 days ☐ 3 days.

C. I certify that I have contacted the court reporter (or court reporter coordinator if electronic recording) and satisfactory financial arrangements for payment of the transcript have been made as follows:

- ☐ Private funds. (Deposit of \$ \_\_\_\_\_ enclosed with court reporter's copy. Check No. \_\_\_\_\_.)
- ☒ CJA AUTH-24 request submitted in district eVoucher system.
- ☐ Government expense (civil case--IFP). Motion for transcript at government expense is pending with district judge.
- ☐ Advance payment waived by court reporter. Payment in full is due upon receipt of transcript.
- ☐ Federal Public Defender - no CJA 24 authorization necessary.
- ☐ United States appeal.

D. Transcript is requested in ☐ paper format ☒ electronic format

Signature /s/ Michael F. Smith Typed Name Michael F. Smith  
Address 7566 Main Street, Suite 307 Sykesville, MD 21784  
Email smith@smithpllc.com Telephone No. (202) 454-2860  
Date Sent to Reporter 11/06/23

Case Style United States of America v. Samuel Sullivan Jr.  
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Address of Reporter 6500 Cherrywood Lane, Greenbelt MD 20770

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<input type="checkbox"/> Jury Instructions	_____
<input type="checkbox"/> Sentencing	_____
<input type="checkbox"/> Bail Hearing	_____
<input checked="" type="checkbox"/> Pre-Trial Proceedings (specify)	<u>Re-arriagnment/plea - March 20, 2023</u>
<input type="checkbox"/> Testimony (specify)	_____
<input type="checkbox"/> Other (specify)	_____

TOTAL ESTIMATED PAGES \_\_\_\_\_

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